



CITY OF LONG BEACH

H-4

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

January 5, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use, adopt the attached resolution ordering the vacation of a portion of Daisy Avenue and the alleys bounded by Third Street, Broadway, and Maine and Magnolia Avenues, and authorize a quitclaim of the reserved utility easement. (District 1)

DISCUSSION

The State of California proposes to build a new regional courthouse on a 5.9-acre parcel of land bounded north to south by Third Street and Broadway, and bounded east to west by Magnolia and Maine Avenues. They request the vacation of all of the public street and alley rights-of-way within this parcel as shown on the attached Exhibit A.

On December 8, 2009, the City Council adopted Resolution No. RES-09-0156, declaring its intention to vacate the subject right-of-way, and set January 5, 2010, as the date for the public hearing. A copy of the December 5, 2009, City Council letter is attached as Exhibit B.

The proposed resolution was prepared by Deputy City Attorney Linda Trang on November 18, 2009. This matter was reviewed by Deputy City Attorney Linda Trang on November 18, 2009 and Budget and Performance Management Bureau Manager David Wodynski on December 16, 2009.

TIMING CONSIDERATIONS

The date of this public hearing was set by City Council action.

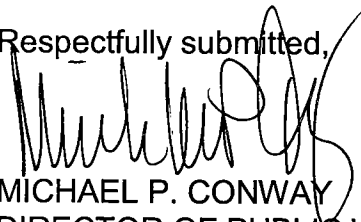
FISCAL IMPACT

A vacation processing fee of \$9,923 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

MPC:MAC:GMM:SC


P:\CL\ROW Res ordering Daisy Courthouse CL.doc

Attachments:

Exhibit A –Site Map

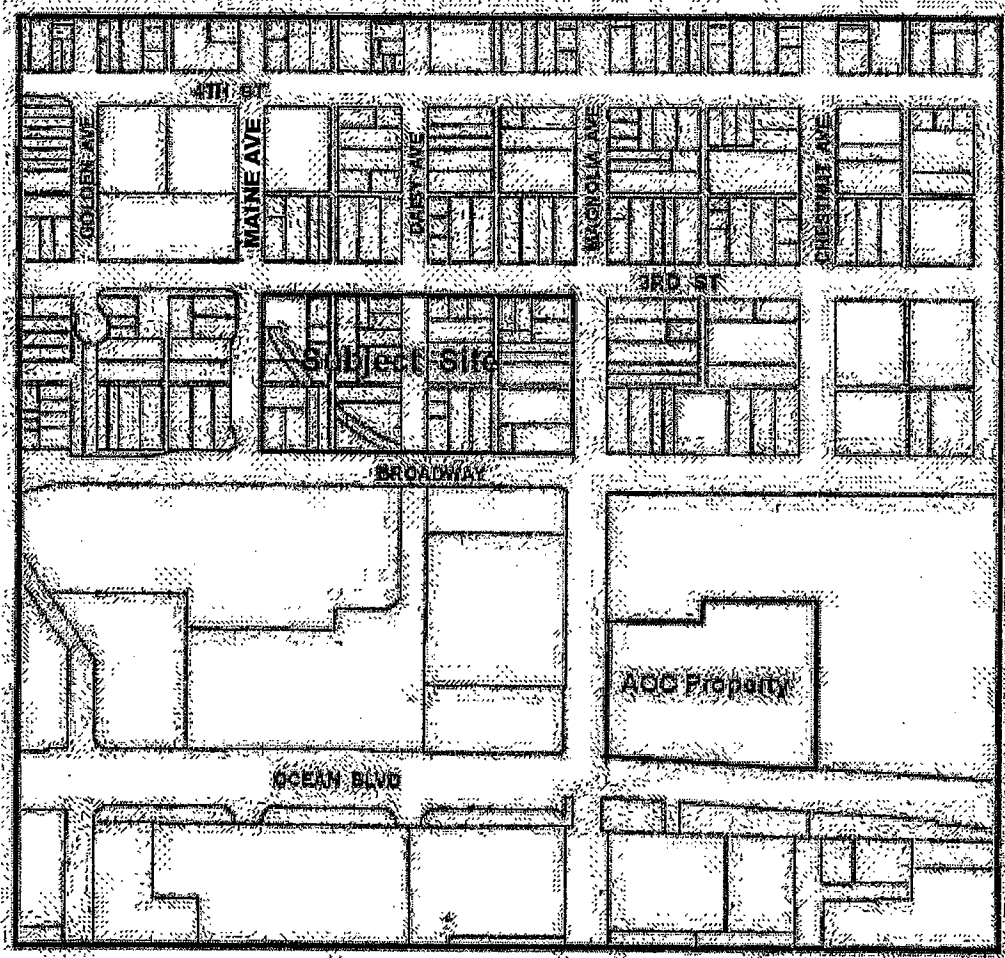
Exhibit B –Council Letter 12/5/09

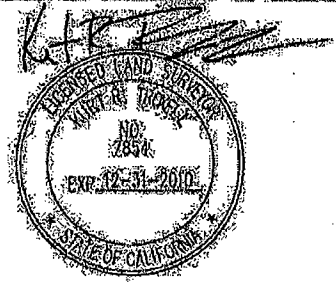
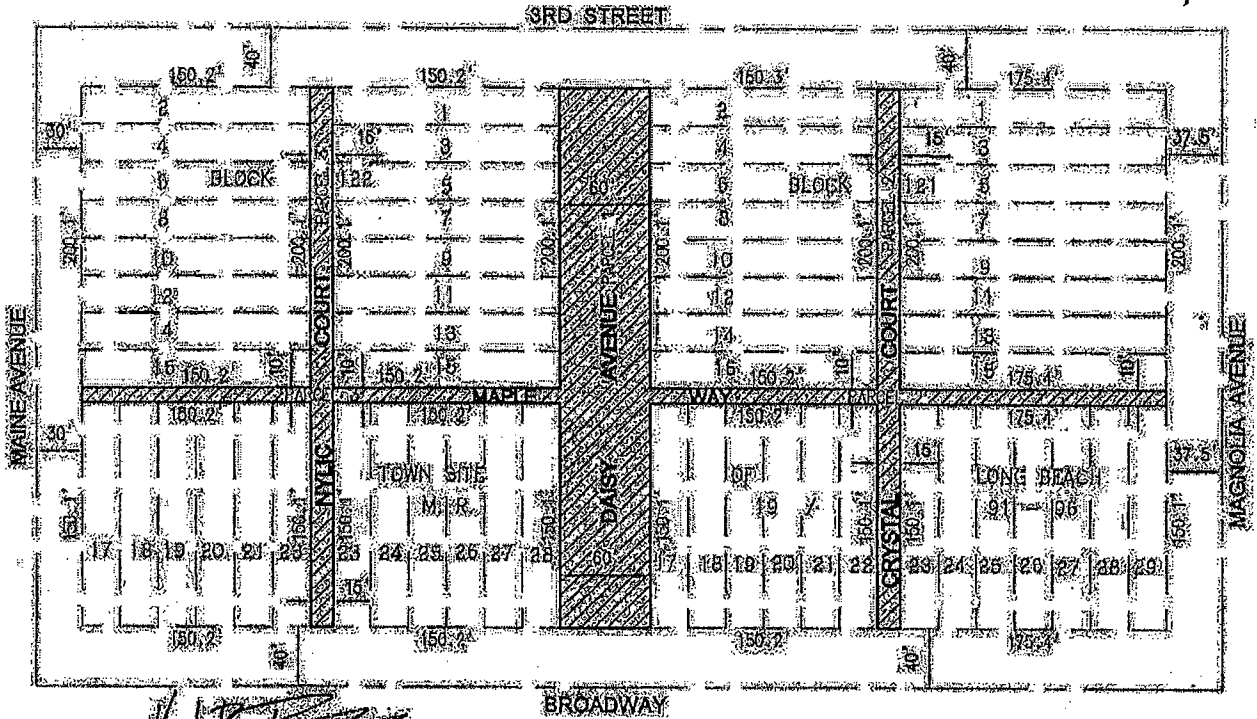
APPROVED:



PATRICK H. WEST
CITY MANAGER

SITE MAP





 INDICATES AREA TO BE VACATED CONTAINING 38,682 S.F.



CITY OF LONG BEACH

~~R-9~~

DEPARTMENT OF PUBLIC WORKS
333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

December 8, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution of Intention to vacate Daisy Avenue and the alleys bounded by Third Street, Broadway, Maine and Magnolia Avenues, and set a date for a public hearing on the vacation for January 5, 2010. (District 1)

DISCUSSION

The State of California (State) proposes to build a new regional courthouse on a 5.9-acre parcel of land bounded north to south by Third Street and Broadway, and bounded east to west by Magnolia and Maine Avenues. State requests the vacation of all of the public rights-of-way within this parcel as shown on the attached Exhibit A. City Council review of the proposed courthouse development occurred on March 24, 2009, as reflected on the attached Exhibit B.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use.

1. On March 24, 2009, City Council heard a report on the development of a regional courthouse and authorized the City Manager to commence proceedings for the necessary street and alley vacation (Exhibit B).
2. In conformance with the California Environmental Quality Act, Mitigated Negative Declaration Number 2009051102 was prepared by the lead agency on the State Courthouse Project, the Administrative Office of the Courts (AOC), and reviewed and accepted by the City of Long Beach Redevelopment Agency on August 17, 2009.
3. On November 19, 2009, the Planning Commission made a determination of General Plan Conformity for the vacation of streets and alleys as described in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law (Exhibit C).

EXHIBIT B

Page 1 of 2

4. The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit D.

The public hearing on this matter to be held on January 5, 2010, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on November 19, 2009.

This matter was reviewed by Deputy City Attorney Linda Trang on November 18, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on November 18, 2009.

TIMING CONSIDERATIONS

City Council action is requested on December 8, 2009 in order to allow the construction of the courthouse to proceed on schedule.

FISCAL IMPACT

A vacation processing fee of \$9,923 was deposited in the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:



PATRICK H. WEST
CITY MANAGER

MPC:MAC:sc
p:c/ROW Daisy courthouse vacation

Exhibit A – Site Map
Exhibit B – CL dated March 24, 2009
Exhibit C – Letter to Planning Commission dated November 19, 2009
Exhibit D – Conditions of Approval
Resolution

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF
DAISY AVENUE AND THE ALLEYS BOUNDED BY THIRD
STREET, BROADWAY, AND MAINE AND MAGNOLIA
AVENUES, IN THE CITY OF LONG BEACH, COUNTY OF
LOS ANGELES, STATE OF CALIFORNIA

WHEREAS, the City Council of the City of Long Beach, did heretofore, on
the _____ of _____, 20__, by Resolution No. _____,
declare its intention to order the vacation, pursuant to the provisions of the Public Streets,
Highways, and Service Easements Law, Daisy Avenue and the alleys bounded by Third
Street, Broadway and Maine and Magnolia Avenues, in the City of Long Beach, County
of Los Angeles, State of California, described more particularly as follows:

The rights-of-way in Blocks 121 and 122, Town Site of Long
Beach, in the City of Long Beach, County of Los Angles,
State of California, as per map recorded in Book 19, Pages
91 through 96, inclusive, of Miscellaneous Records in the
Office of the County Recorder of said county, described as
follows:

PARCEL 1 (DAISY AVENUE)

That portion of Daisy Avenue bordered on the north by the
easterly prolongation of the northerly line of Lot 1 in said
Block 122, Town Site of Long Beach, and on the south by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

the easterly prolongation of the southerly line of Lot 28 in said Block 122, Town Site of Long Beach.

PARCEL 2 (MAPLE WAY AND CRYSTAL COURT)

The alleys within said Block 121 of the Town Site of Long Beach, bounded on the north by the north line of said block, and on the east by the east line of said block, and on the south by the south line of said block and on the west by the west line of said block.

PARCEL 3 (MAPLE WAY AND NYLIC COURT)

The alleys within said Block 122 of the Town Site of Long Beach, bounded on the north by the north line of said block, and on the east by the east line of said block, and on the south by the south line of said block and on the west by the west line of said block.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers, storm drains and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water and gas, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or

1 renewals thereof, or otherwise, to construct, maintain,
2 operate, replace, remove, renew and enlarge lines of
3 conduits, cables, wires, poles and other convenient
4 structures, equipment and fixtures for the operation of
5 telephone lines and other communication lines, and for the
6 transportation or distribution of electric energy, and
7 incidental purposes including access and the right to keep
8 the property free from inflammable materials, and wood
9 growth, and otherwise protect the same from all hazards in,
10 upon and over the part vacated. Access for maintenance of
11 the above-mentioned facilities must be maintained at all
12 times. No improvements shall be constructed within the
13 easement which would impede the operation, maintenance
14 or repair of said facilities. Construction of any improvements,
15 including changes of grade, shall be subject to the prior
16 written approval of all the City departments and public
17 utilities responsible for the above said facilities.

18
19 WHEREAS, the City Council did, at said time, fix Tuesday, the _____
20 day of _____, 20__, at the hour of _____ p.m., as the time and the
21 City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the
22 City of Long Beach, California, as the place for hearing for all persons interested in or
23 objecting to the proposed vacation to appear and be heard; and

24 WHEREAS, notice of the resolution of the intention to vacate, stating the
25 time and place of said hearing, was duly posted in the manner prescribed by law; and

26 WHEREAS, said hearing was called and held before the City Council at the
27 time and place so fixed and evidence taken and received on the matter of said proposed
28 vacation, and the City Council, upon said evidence, now makes those findings of fact set

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. Pursuant to the foregoing resolution of intention, the
5 proceedings had thereunder, Vacation Sketch No. 995V showing Daisy Avenue and
6 alleys bounded by Third Street, Broadway, and Maine and Magnolia Avenues to be
7 vacated by the City of Long Beach attached hereto as Exhibit "A", and the City Council
8 Findings attached hereto as Exhibit "B", said City Council of the City of Long Beach
9 hereby makes its resolution vacating and closing a portion of the street hereinabove
10 described.

11 Section 2. That this resolution shall take effect immediately upon its
12 adoption by the City Council, and the City Clerk is hereby instructed to certify to the
13 adoption thereof, and to cause a certified copy to be recorded in the Office of the County
14 Recorder of the County of Los Angeles, California.

15 I hereby certify that the foregoing resolution was adopted by the City
16 Council of the City of Long Beach at its meeting of _____, 20__ by the
17 following vote:

18
19 Ayes: Councilmembers: _____

20 _____
21 _____
22 _____

23 Noes: Councilmembers: _____

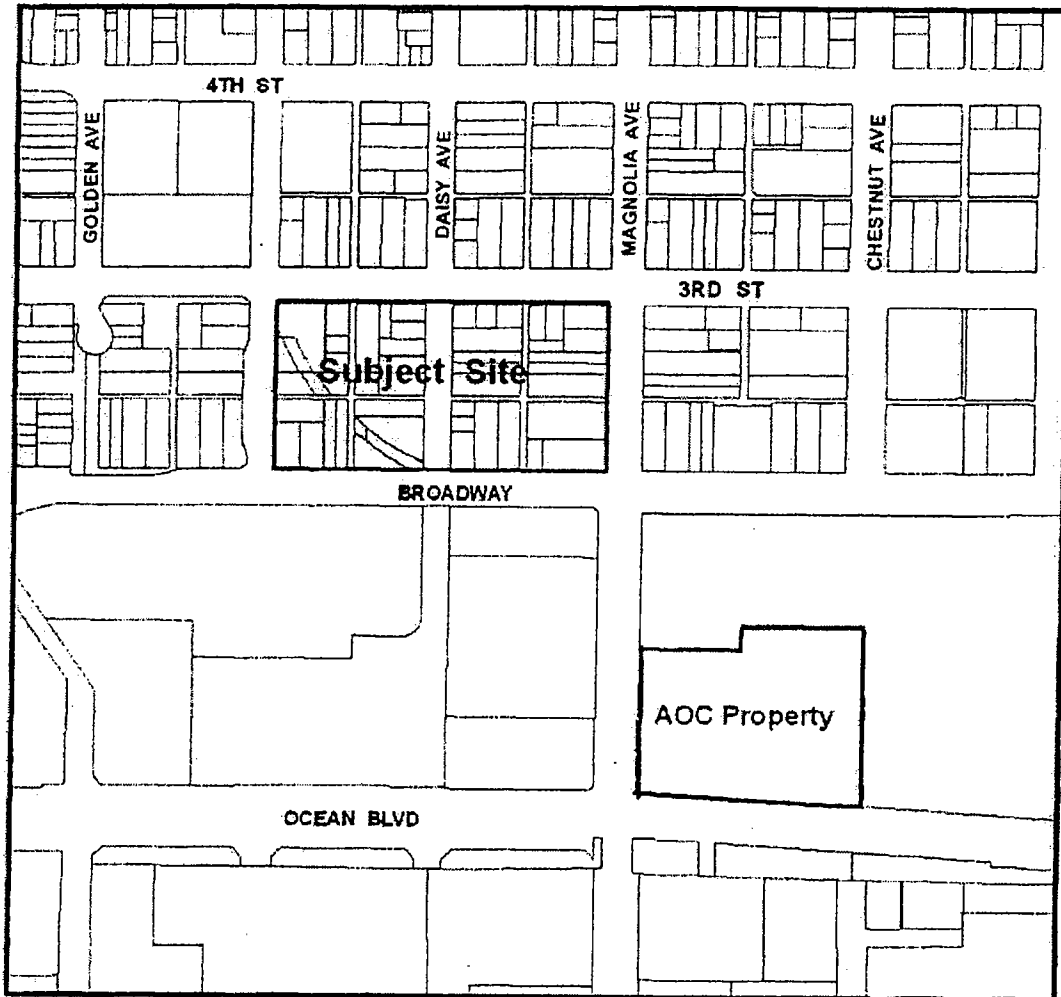
24 _____
25 Absent: Councilmembers: _____
26 _____
27 _____

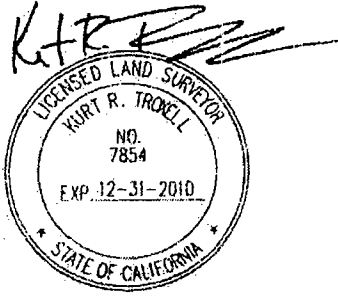
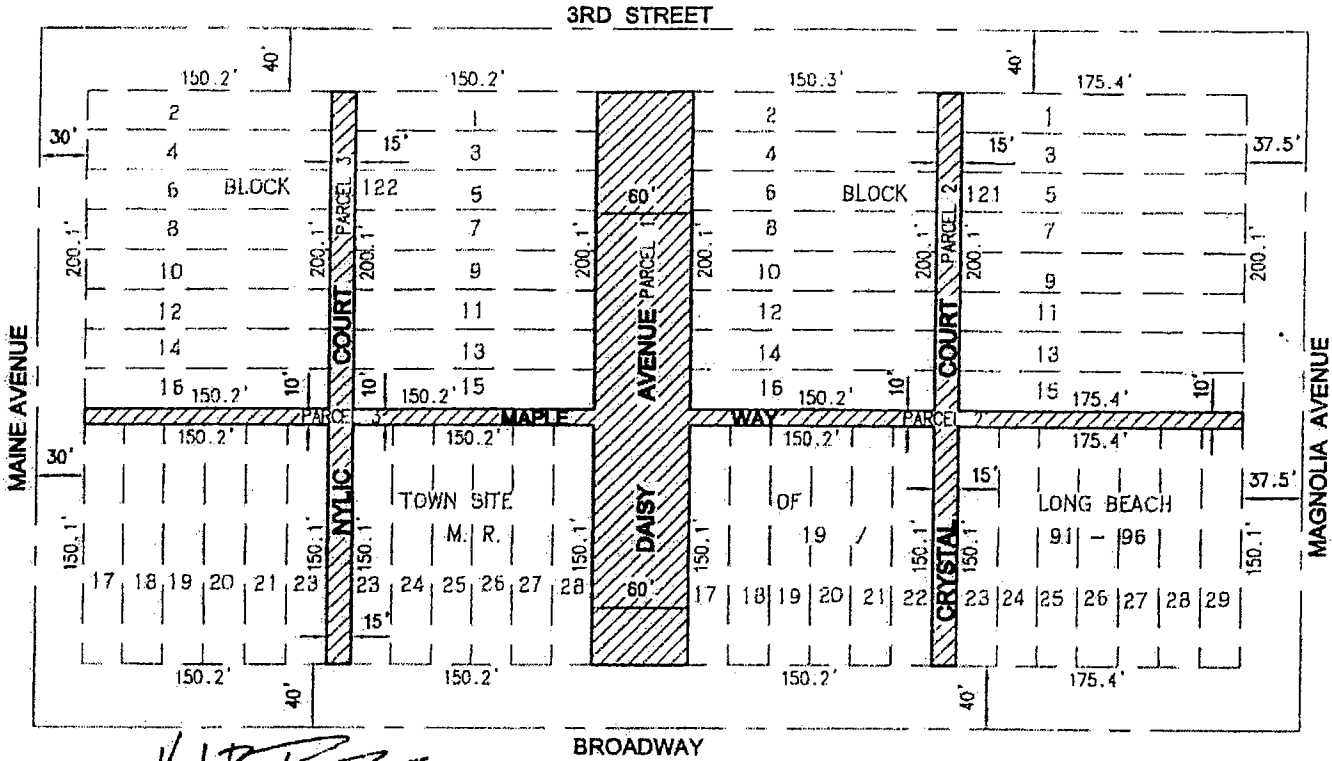
OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

City Clerk

SITE MAP






 INDICATES AREA TO BE VACATED CONTAINING 38,683 S.F. ±

EXHIBIT A
Page 2 of 2

CITY COUNCIL FINDINGS

VACATION OF DAISY AVENUE AND THE ALLEYS BOUNDED BY THIRD STREET, BROADWAY, AND MAINE AND MAGNOLIA AVENUES Reference Sketch No. 995V

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) Those findings stated in the City Manager's letter submitted for the December 8, 2009, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as RES-09-____.
 - b) The rights-of-way would not be useful for exclusive bikeway purposes.
2. The vacation of said rights-of-way will not have a significantly adverse environmental effect.

This finding is based upon the following subfindings:

- a) The right-of-way is not and will not be needed for public use.
- c) In conformance with the California Environmental Quality Act, Mitigated Negative Declaration No. 2009051102 was accepted for this project.